

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FRANK McCracken,

Plaintiff,

vs.

COMMISSIONER of SOCIAL SECURITY,

Defendant.

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CIVIL NO. 20-cv-181-RJD

MEMORANDUM AND ORDER

DALY, Magistrate Judge:

This matter comes before the Court on the parties' Joint Motion to Award Attorney Fees and Expenses pursuant to the Equal Access to Justice Act (Doc. 31). The parties ask that the Court award attorney's fees in the amount of \$7,300.00. The parties ask that the Order provide specific language that any fees paid belong to Plaintiff, not his attorney, and can be offset to satisfy any pre-existing debt that Plaintiff owes the United States.

The Court finds that Plaintiff is the prevailing party and is entitled to an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(B). The Court further finds that the amount sought is reasonable and appropriate. Therefore, the Joint Motion to Award Attorney Fees and Expenses (Doc. 31) is **GRANTED**. The Court awards Plaintiff attorney's fees and expenses in the amount of \$7,300.00 (seven thousand, three hundred dollars, and no cents). This award shall fully and completely satisfy any and all claims for fees and expenses that may have been payable to Plaintiff in this matter under the Equal Access to Justice Act, 28 U.S.C. § 2412. This order does not address Plaintiff's costs.

Any fees paid belong to Plaintiff and not his attorney and can be offset to satisfy any pre-existing debt that Plaintiff owes the United States. *Astrue v. Ratliff*, 560 U.S. 586 (2010). If

Defendant can verify that Plaintiff does not owe a pre-existing debt to the government subject to the offset, Defendant will direct that the award be made payable to Plaintiff's attorney pursuant to the EAJA assignment duly signed by Plaintiff and Counsel.

IT IS SO ORDERED.

DATED: January 27, 2021

s/Reona J. Daly

REONA J. DALY

UNITED STATES MAGISTRATE JUDGE